



Bulletin

Environmental Crimes Section

May 2022

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Protected marine corals illegally trafficked through Alaska from the Philippines. See *U.S. v. Stringfield, et al.*, [below](#), for more details on this multi-defendant case.

Send your federal case updates to:



District/Circuit	Case Name	Statutes
District of Alaska	<i>United States v. Jerome A. Stringfield, et al.</i> <i>United States v. James D. Withrow, et al.</i>	Coral Sales/Conspiracy, Lacey Act, Smuggling Waste Dumping/Conspiracy, Depredation
Eastern District of California	<i>United States v. Marino Cruz Diaz, et al.</i> <i>United States v. Joseph D. Sanford</i> <i>United States v. ESI Energy, Inc.</i>	Marijuana Grow/Drugs, Firearms Game Bird Fighting/Animal Fighting Venture, Conspiracy Eagle Deaths/MBTA
District of Connecticut	<i>United States v. Marmon Utility, LLC</i>	Wastewater Discharges/CWA
Southern District of Florida	<i>United States v. Michael Van Nostrand, et al.</i>	Reptile Trafficking/Conspiracy, Lacey Act, Smuggling
District of Kansas	<i>United States v. David Schleif</i>	WWTP Operator/CWA
Eastern District of Louisiana	<i>United States v. Clay Turner</i>	Dog Fighting/Animal Welfare Act
District of Nevada	<i>United States v. Gonzalo Aguilar Doblado, et al.</i>	Demolition Projects/CAA



District/Circuit	Case Name	Statutes
Southern District of New York	<i>United States v. Moazu Kromah, et al.</i>	Ivory and Rhino Horn Trafficking/Conspiracy, Lacey Act
Southern District of Ohio	<i>United States v. Nathanael L. Knox</i>	Hunting Lease Sales/Wire Fraud
	<i>United States v. Joseph R. Schigur, et al.</i>	Paddlefish Harvesting/Lacey Act
Western District of Pennsylvania	<i>United States v. Glenn Lijewski, et al.</i>	Wastewater Discharges/Conspiracy, CWA
Western District of Virginia	<i>United States v. William R. Stump, et al.</i>	Timber Theft/Conspiracy, Depredation, Tree Removal
District of Wyoming	<i>United States v. Wasatch Railroad Contractors, et al.</i>	Asbestos Abatement/CAA, Wire Fraud
	<i>United States v. ESI Energy, Inc.</i>	Eagle Deaths/MBTA



Trials

United States v. Wasatch Railroad Contractors, et al., No. 21-CR-00138 (D. Wyo.), AUSA Stephanie I. Sprecher, SAUSA Richard Baird, and USAO Paralegal Lisa Wait.

On April 13, 2022, a jury convicted Wasatch Railroad Contractors and CEO John E. Rimmasch of wire fraud and Clean Air Act knowing endangerment charges (18 U.S.C. § 1343; 42 U.S.C. § 7413(c)(5)(A)). Sentencing is scheduled for July 5, 2022.

Wasatch repaired and restored freight cars, and specialized in restoring historic railroad equipment. In August 2016, Wasatch entered into a contract to restore a historic railcar owned by the National Park Service (NPS). Wasatch failed to complete the restoration, and in the process, endangered its employees by exposing them to asbestos by not following proper safety measures. Rimmasch billed the NPS falsely certifying that the company properly performed the abatement and restoration. The contract also obligated Wasatch to pay Davis Bacon (local prevailing) wages to its laborers, which Wasatch failed to do. Rimmasch directed others to submit falsely certified payrolls to the NPS stating his employees were paid the minimum Davis Bacon wage. Rimmasch knew that if the company failed to comply with all the terms in the contract, the NPS could refuse to pay the \$800,000 agreed to payment.

The U.S. Department of the Interior Office of the Inspector General, and the U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.



Asbestos insulation in railcar ceiling and walls



Indictments

***United States v. William R. Stump, et al.*, No. 7:21-CR-00019 (W.D. Va.), AUSA Michael Baudinet.**

On April 27, 2022, prosecutors unsealed a 23-count indictment charging three defendants for illegally removing walnut trees from federally-protected land. William R. Stump, Derrick A. Thompson, and Justin W. Thompson are variously charged with conspiracy, violating the Lacey Act, theft of government property, removal of timber from lands of the United States, and illegally cutting of trees on lands of the United States. States (18 U.S.C. §§ 371, 1852, 1853; 16 U.S.C. § 3372(a)(1)).

Between August 2019 and February 2020, the defendants conspired to cut and remove black walnut trees located in the Bluestone Project in Giles County, Virginia and transport them to Lindside, West Virginia, for sale. The U.S. Army Corps of Engineers designed the Bluestone Project to help inhibit flood-level water flow along both the New River and Bluestone River. The federally-protected 21,000 acres provides fertile habitat for a variety of trees and plants, including the highly valuable black walnut trees; they are among the largest and longest living hardwood trees in the United States.

The U.S. Forest Service and the Army Corps of Engineers conducted the investigation.

***United States v. Jerome A. Stringfield, et al.*, Nos. 3:22-CR-00003, 00005, 00029-31,00036-00040 (D. Alaska), AUSAs Steven Skrocki and Charise Arce.**

On April 22, 2022, prosecutors charged the following ten individuals for smuggling protected marine corals from the Philippines into the United States: Jerome A. Stringfield, Albert B. Correia, Allen W. Ockey, Derek M. Kelley, Wayne R. King, James Knight, Valeriy V. Gorbounov, Nathan C. Meisner, Ricky A. Spires, and Michael J. Lecam (18 U.S.C. 371, §§ 545; 16 U.S.C. §§ 3372(a)(1), 3373(d)(1)(A)).

Between July 2017 and August 2018, the defendants paid a Philippine national to dive for and collect protected marine corals. The Philippine national falsely labelled and shipped the coral through common carriers. All shipments landed and traveled through Anchorage, Alaska. Following receipt, the defendants sold the coral online to coral collectors and hobbyists. Some of the coral is protected by the Convention on International Trade in Endangered Species (CITES). Additionally, Philippine law prohibits any person to gather, possess, commercially transport, sell or export corals commercially regardless of CITES status. In total, the defendants illegally purchased and sold more than 3,000 separate pieces of coral in violation of Philippines and United States law.

The Republic of the Philippines is one of six countries straddling the Coral Triangle, a 5.4 million-square-kilometer stretch of ocean that contains 75 percent of the world's coral species, one-third of the Earth's coral reefs, and more than 3,000 species of fish. Poaching for corals and other detrimental forces have left only five percent of coral reefs in the Philippines in "excellent" condition, and just one percent in a "pristine" state.

The U.S. Fish and Wildlife Service Office of Law Enforcement conducted the investigation.



Guilty Pleas

United States v. Bruce A. Jackson, et al., No. 3:21-CR-00109 (D. Alaska)
AUSAs Steven Skrocki and Charisse Arce.

On April 29, 2022, Bruce A. Jackson pleaded guilty to conspiracy to commit depredation against a property of the United States (18 U.S.C. §§ 371, 1361). Sentencing is scheduled for August 5, 2022.

On May 31, 2018, Jackson and James D. Withrow removed 17 55-gallon drums from Jackson's property in Seward and placed them on a tractor trailer driven by Withrow. The two men then drove to Anchorage. The next day, Withrow drove the tractor trailer off the Seward Highway down a road clearly marked "No Dumping" "No Public Access." He parked and proceeded to dump 15 of the drums at the Granite Creek Recreation Area in the Chugach National Forest, which is U.S. Forest Service land.



Barrels dumped onto Forest Service Land

Coincidentally, Forest Service biologists happened to be working in the area, and noticed someone had removed locks from an access gate. They observed Withrow after he dumped 15 of the 17 drums, leaving two on the trailers. Some of the drums leaked, causing approximately \$80,000 in damage. The biologists alerted the authorities to investigate further. When questioned by U.S. Forest Service officials, Withrow falsely claimed that he transported the drums to Anchorage, after Jackson hired him to pick them up.

The U.S. Forest Service and the U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.



Guilty Pleas

United States v. Moazu Kromah et al.,
No. 19-CR-00338 (S.D.N.Y.) AUSAs
Sagar K. Ravi and Jarrod L. Schaeffer.

On April 27, 2022, and March 30, 2022, Amara Cherif and Moazu Kromah, respectively, pleaded guilty to participating in a transnational criminal enterprise based in Africa. Kromah is scheduled for sentencing on June 29, 2022, and Cherif is set for August 25, 2022.

Between December 2012 and May 2019, the defendants engaged in large-scale trafficking and smuggling of rhinoceros horns and elephant ivory. They conspired to transport, distribute, sell, and smuggle an estimated 190 kilograms of rhinoceros horns and ten tons of elephant ivory. Evidence indicates that the defendants and others poached more than 35 rhinoceros and 100 elephants, with an estimated retail value of \$7 million. Kromah and Cherif pleaded guilty to conspiracy to commit wildlife trafficking and two counts of wildlife trafficking (18 U.S.C. § 371; 16 U.S.C. §§ 3372(a)(2)(A) and 3373 (d)(1)(B));

The U.S. Fish and Wildlife Service and the Drug Enforcement Administration conducted the investigation.



Seized rhino horn

United States v. Marino Cruz Diaz, et al., No. 1:19-CR-00171 (E.D. Calif.), AUSA
Justin Gilio.

On April 22, 2022, David Moreno Florez pleaded guilty to manufacturing marijuana and felon-in-possession of a firearm (21 U.S.C. §§ 841, 924).

In August 2019, law enforcement officers located a clandestine marijuana grow site in the Sequoia National Forest. After hiking into the area, they arrested Marino Cruz Diaz and Moreno Florez. Moreno Florez was carrying a loaded, AR-15 style rifle. Officers also found a loaded shotgun nearby. Officers removed and eradicated close to 2,500 marijuana plants.

The U.S. Forest Service conducted the investigation, with assistance from the California Department of Fish and Wildlife and the Fresno County Sheriff's Office.



Guilty Plea

United States v. Glenn Lijewski, et al., Nos. 22-CR-00064, 22-CR-00062 (W.D. Penn.), AUSA Michael Ivory and SAUSA Martin Harrell.

On April 12, 2022, Glenn Lijewski pleaded guilty to conspiring to violate the Clean Water Act (18 U.S.C. § 371). Sentencing is scheduled for August 16, 2022.

Lijewski worked as a supervisor at the Aspinwall Drinking Water Plant, which is operated by the Pittsburgh Water and Sewer Authority (PWSA). Between 2010 and 2017, Lijewski and another supervisor discharged clarifier sludge directly into Allegheny River in violation of the plant's National Pollutant Discharge Elimination System (NPDES) permit. They also directed plant employees to discharge sludge into the river.

In addition to the NPDES permit, regulators required the Aspinwall plant to comply with an Industrial User permit (IU). The IU permit allowed the plant to discharge one million gallons of sludge per day to the publically owned treatment works (Allegheny County Sanitary Authority (ALCOSAN)). Following the breakdown of five sludge flow monitors, Lijewski and other plant employees began using estimated sludge-flow figures (using round numbers such as 25,000 gallons for every four hours). They also began illegally diverting sludge discharges to an outfall that flowed directly into the Allegheny River. They included the estimated sludge data on reports to ALCOSAN they certified as "true, accurate and complete" meter readings. Over time, an island formed in the river out of this sludge, that a number of plant employees referred to as "Glenn's Island."

A court sentenced PWSA in September 2021 to complete a three-year term of probation, to include a comprehensive environmental compliance plan funded by PWSA for \$500,000. The company pleaded guilty to violating a condition of its NPDES permit (under the Clean Water Act) and making a false statement (33 U.S.C. §§ 1319(c)(4), 1311, 1342, 1319(c)(2)).

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.

United States v. Nathanal L. Knox, No. 2:22-CR-00039 (S.D. Ohio), ECS Trial Attorney Adam Cullman, SAUSAs Mike Marous and Sally Montell, and ECS Paralegal Jillian Grubb.

On April 12, 2022, Nathanal L. Knox pleaded guilty to one count of wire fraud for operating a scheme where he solicited payment in exchange for purported hunting leases he had no rights to sell (18 U.S.C. § 1343.).

Throughout 2019, Knox placed online advertisements for hunting leases supposedly available on several parcels of land in Ohio. Knox, in fact, had no rights to sell leases to these properties. He placed the advertisements on at least 38 different Facebook pages, including "Hunt Florida," "Ohio Hunting Lease," "Bow Hunting PA," and "Alabama Deer Hunters."

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Guilty Plea

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In these advertisements, Knox solicited between \$400 to \$5,000 in exchange for leases. He received payment from prospective clients via PayPal, Walmart 2 Walmart, Money Gram, Western Union and Venmo. When individuals inquired further about the purported leases, Knox provided pictures of mature bucks, falsely claiming former clients had harvested them on the parcels in question. After receiving initial payments, Knox sent contracts and further instructions via email.

The Fayette County Sheriff's Office arrested Knox on September 30, 2019, as he attempted to collect the second half of a \$5,000 fee owed by two Florida victims. The victims realized Knox defrauded them after the actual landowner of the purported lease site confronted them during a trip to scout the area. They then contacted the Sheriff's office and set up the meeting with Knox, at which point he was arrested. During this time, the Ohio Department of Natural Resources received multiple complaints from landowners as well. Upon receiving the complaints, investigators began searching for the remaining victims through social media. In total, Knox solicited payment from at least 68 victims, all of whom resided outside of Ohio. At least 59 of these individuals sent initial payments to the defendant, totaling more than \$34,000.

The Ohio Department of Natural Resources, Division of Wildlife, in cooperation with the U.S. Fish and Wildlife Service, conducted the investigation.



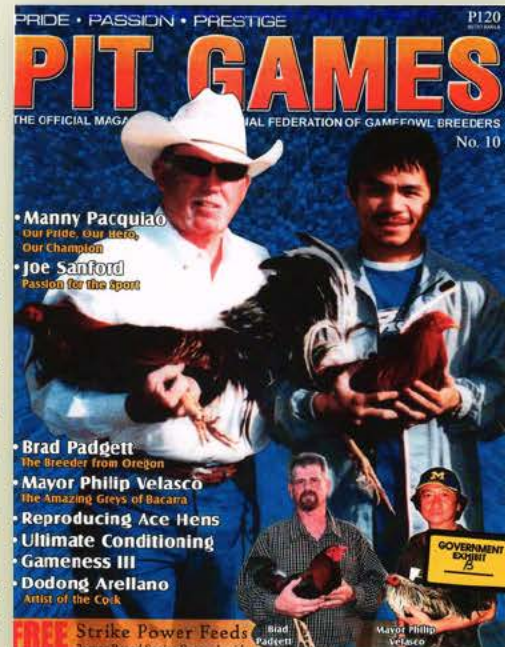
Sentencings

United States v. Joseph D. Sanford, No. 1:19-CR-00270 (E.D. Calif.), AUSA Karen Escobar, with assistance from ECS Trial Attorney Ethan Eddy.

On April 29, 2022, a court sentenced Joseph D. Sanford to 16 months' incarceration, followed by 24 months' supervised release, and to pay a \$25,000 fine. Sanford pleaded guilty to conspiracy for his extensive involvement in cockfighting (18 U.S.C. § 371).

Sanford owns, operates, and resides at Joe Sanford Gamefarm (Gamefarm), a ten-plus-acre property. Sanford breeds and sells gamecocks for fighting across the country, as well as fights his own roosters. Following the undercover purchase of fighting birds, law enforcement officers searched the Gamefarm, discovering a large cockfighting enterprise consisting of close to 3,000 game fowl. They also seized medical equipment, including scalpels, syringes, thermometers, and medications used to remove the roosters' wattles, combs, spurs and other body parts. Sanford shipped game fowl for cockfighting within the United States and to Mexico, Peru, and the Philippines.

Multiple agencies contributed to this investigation, including: U.S. Department of Agriculture Office of the Inspector General, the USDA Animal and Plant Health Inspection Service, the IRS Criminal Investigation, Homeland Security Investigations, the U.S. Forest Service, and the Stanislaus County Sheriff's Office. The Humane Society, the Placer County Animal Services, the El Dorado County Animal Services, and U.S. Marshals Service also provided assistance in the disposal of the fighting roosters and placement of the hens in an animal sanctuaries.



Joe Sanford and Manny Pacquiao



Sentencings

***United States v. David Schleif*, No. 5:20-CR-40069 (D. Kans.), AUSA Stephen McAllister.**

On April 26, 2022, a court ordered David Schleif to pay a \$5,500 fine, complete a two-year term of probation, and perform 50 hours of community service. Schleif pleaded guilty to making false statements under the Clean Water Act (33 U.S.C. § 1319(c)(4)).

Schleif worked as a wastewater operator with the Wamego Wastewater Treatment Facility. Part of his responsibilities included submitting lab results from samples taken at the facility to the Kansas Department of Health and Environment.

Between May 2017 and August 2019, Schleif submitted discharge monitoring reports (DMRs) containing data falsified to conceal illegal discharges of raw or inadequately treated sewage from the facility to the Kansas River. Approximately 19 months of DMRs contained falsified data.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.

***United States v. Michael Van Nostrand, et al.*, No. 21-CR-20495 (S.D. Fla.), AUSA Tom Watts-FitzGerald.**

On April 19, 2022, a court sentenced Michael Van Nostrand, a/k/a “The Lizard King,” and his company, Strictly Reptile, Inc., after they pleaded guilty to conspiring to illegally harvest and sell protected turtles and to smuggle them out of the United States to China and Japan (18 U.S.C. § 371).

Van Nostrand will serve seven months’ incarceration, followed by three years’ supervised release, with the first year in home confinement. The court ordered immediate payment of a \$100,000 fine to the Lacey Act Reward Fund, and banned him from engaging in wildlife trade while under supervision. During the sentencing hearing, the court cited Van Nostrand’s compromised health (the subject of several filings and courtroom arguments) as the sole reason for not imposing a higher sentence. Strictly Reptiles, Inc., will complete a five-year term of probation, to include implementing a compliance program, and pay a \$150,000 fine into the Fund, due immediately. An independent monitor/auditor, selected and appointed with the court’s approval, will oversee the compliance program.

From April 2017 through April 2019, the defendants ran a network of “collectors” to



Common musk turtle

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Sentencings

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capture various fresh-water turtles from the wild within Florida and then market them to both domestic and international customers as “captive bred” turtles. They also falsified export documents using a “captive bred” code. Van Nostrand, Strictly Reptiles, and co-conspirators trafficked approximately 3,500 Florida fresh-water turtles for profit.

Van Nostrand served eight months’ incarceration for a previous case involving illegal reptile sales, and is the subject of the book entitled “The Lizard King” by Bryan Christy.

The U.S. Fish and Wildlife Service conducted the investigation, with assistance from the Florida Fish and Wildlife Conservation Commission.

United States v. Joseph R. Schigur, et al., Nos. 1:21-CR-00030, 1:20-CR-00097 (S.D. Ohio), ECS Trial Attorney Rich Powers, AUSA Laura Clemmens, and ECS Paralegal Samantha Goins.

On April 14, 2022, a court sentenced commercial fisherman Joseph R. Schigur to complete a five-year term of probation, to include six months’ home confinement, and 200 hours of community service. Schigur also will pay a \$5,500 fine and \$64,465 in restitution to the Ohio Department of Natural Resources. As a special condition of probation, the court prohibited Schigur from engaging in any commercial fishing activity, requiring that he surrender any commercial fishing license in his possession. Schigur pleaded guilty to three felony counts of violating the Lacey Act for illegally harvesting paddlefish from the Ohio River (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(1)).

Schigur made a living by catching American paddlefish from the Ohio River and selling the harvested roe out of state. Between November 2012 and April 2019, Schigur employed Gary Nale as a deckhand. On at least three occasions, Schigur and Nale used gill nets to unlawfully take paddlefish from waters of the Ohio River that were within the Ohio state boundary. Ohio state authorities have prohibited the use of commercial gill fishing nets within its waters since 1983.

A court sentenced Nale in February 2021 to pay a \$2,500 fine and complete a three-year term of probation, after pleading guilty to a Lacey Act trafficking violation (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(2)).

The U.S. Fish and Wildlife Service, the Indiana Department of Natural Resources, and the Ohio Department of Natural Resources conducted the investigation.



Sentencings

***United States v. Clay Turner*, No. 2:21-CR-00061 (E.D. La.), ECS Trial Attorneys Matt Evans and Christopher Hale, AUSA Jonathan Shih, former ECS Senior Trial Attorney Jennifer Blackwell, and ECS Law Clerks Amanda Backer and Nate Borelli.**

On April 12, 2022, a court sentenced Clay Turner to 36 months' incarceration, followed by three years' supervised release, and to pay a \$1,000 fine. Turner pleaded guilty to possessing dogs in an animal fighting venture, in violation of the Animal Welfare Act (7 U.S.C. § 2156(b); 18 U.S.C. § 49(a)).

Turner possessed and trained dogs for the purpose of having them participate in animal fighting ventures. On telephone calls obtained via court-authorized wiretaps, Turner and others discussed gambling on dog fights, arranging and participating in fights, sponsoring and exhibiting dogs, training and housing dogs, transporting them and promoting fights.

In October 2017, federal agents executed a search warrant on Turner's residence. During the search, they found 33 dogs on the property, many bearing fresh wounds and scarring. Law enforcement also discovered a large collection of dog fighting paraphernalia, including: a water tank equipped to force dogs to swim to condition them for fighting, an electrified prod used in conjunction with the water tank, two treadmills, and ledgers noting the weights and prices of dogs.

The U.S. Department of Agriculture Office of Inspector General, the Federal Bureau of Investigation, and the Marshal's Service conducted the investigation.



Sentencings

***United States v. Marmon Utility, LLC*, No. 3:21-CR-00223 (D. Conn.) AUSAs Harold Chen and Leonard Boyle.**

On April 7, 2022, a court sentenced Marmon Utility, LLC, for violating the Clean Water Act by failing to properly operate and maintain an industrial wastewater treatment system and sludge-processing equipment (33 U.S.C. § 1319(c)(2)(A)).

The court ordered Marmon to pay an \$800,000 fine, complete a three-year term of probation, and make a \$1.6 million community service payment to remediate the Naugatuck River, as administered by the Connecticut Department of Energy and Environmental Protection (CT DEEP).

Marmon, a subsidiary of Berkshire Hathaway, owns and operates the Kerite Power Cable & Pump Cable factory. Kerite manufactures large power cables and generates industrial wastewater containing heavy metals such as lead and zinc. Under its 2015 CT DEEP permit, authorities required Marmon to properly operate and maintain the wastewater treatment system at the factory to reduce the heavy-metal content by chemical precipitation before discharging the wastewater to the publically owned treatment plant (POTW).

Beginning in 1989, the Kerite factory employed an environmental facilities manager to operate the wastewater treatment system and the sludge filter press. In February 2004, the company laid off this employee following significant staff downsizing. The maintenance employee charged with taking over the WWTS left the company in March 2016. For the next five months, the employees did not check and maintain the pH probe, operate the sludge filter press, or change the bag filters.

On September 7 and 8, 2016, the POTW superintendent observed unusual, rusty brown wastewater flowing into the plant and notified CT DEEP. This rusty brown influent interfered with the POTW's sewage treatment capacity. Testing confirmed lead concentrations at approximately 127 times greater than the plant's normal readings, and greater than ten times the typical zinc concentration. Over the next several days, POTW personnel were forced to add several truckloads of biologic microorganisms to break down the unprocessed sewage. It took two weeks for the treatment plant to return to usual operational capacity.

State authorities issued a Notice of Violation to Marmon following an inspection of the Kerite facility that confirmed it was the source of the illegal discharge. Further investigation disclosed that employees had resorted to emptying the full tanks, instead of treating the industrial wastewater.

The U.S. Environmental Protection Agency Criminal Investigation and the Connecticut Department of Energy and Environmental Protection conducted the investigation.



Sentencings

***United States v. Gonzalo Aguilar Doblado, et al.*, No. 2:19-CR-00242 (D. Nev.), ECS Trial Attorney Cassie Barnum, SAUSA Rachel Kent, and ECS Paralegal Chloe Harris.**

On April 6, 2022, a court sentenced Gonzalo Aguilar Doblado to four and a half months' time-served, followed by one year of supervised release, after pleading guilty to violating the Clean Air Act (CAA) (42 U.S.C. § 7413(c)(1)). Co-defendant Bobby Khalili pleaded guilty to a CAA violation and is scheduled for sentencing on June 15, 2022.

In April 2016, Khalili contracted with Doblado to renovate a 16-unit apartment building in Las Vegas, Nevada. Khalili knew the building contained regulated asbestos-containing materials (RACM), but did not hire an asbestos abatement specialist to remove the RACM prior to renovation. Instead, he and Doblado hired untrained workers to tear out asbestos-containing drywall, ceiling texture, and floor tile. They did not instruct the workers to follow the CAA work practice standards for asbestos, to include wetting the RACM, and carefully bagging and disposing of it at an authorized facility.

After observing an open top dumpster containing suspected RACM, Clark County Department of Air Quality (DAQ) inspectors conducted a site inspection. After Doblado phoned Khalili to inform him the inspectors had arrived, Khalili called the dumpster rental company to try to get the dumpster removed, in an attempt to destroy the evidence.

While on pretrial release, Khalili purchased a second apartment complex in the same neighborhood and initiated a renovation project. As before, he hired a contractor untrained in asbestos abatement to tear out asbestos-containing drywall and ceiling texture. Khalili instructed the contractor in charge of the renovation to lie to inspectors about who owned and oversaw the project, in an attempt to blame another person for the CAA violations he knowingly committed.

The U.S. Environmental Protection Agency Criminal Investigation Division and the Clark County Department of Environment and Sustainability, Division of Air Quality investigated the case.



Sentencings

United States v. ESI Energy, Inc., No. 22-CR-00048 (E.D. Calif., D. Wyo.), ECS Senior Counsel Elinor Colbourn, AUSAs David A. Kubichek, Kerry Jacobson, and Katherine Lydon, and ECS Paralegal Samantha Goins.

On April 5, 2022, a court sentenced ESI Energy, Inc. (ESI) to pay a \$1,861,600 fine, restitution in the amount of \$6,210,991, and complete a five-year term of probation, during which it must follow an Eagle Management Plan (EMP). The EMP requires implementation of up to \$27 million (during the period of probation; more thereafter if a written extension is signed) of measures intended to minimize additional eagle deaths and injuries, and payment of compensatory mitigation for future eagle deaths and injuries of \$29,623 per bald or golden eagle. Over the next 36 months, ESI also must apply for permits for any unavoidable take of eagles at each of its 50 facilities where take is documented or, in the case of four facilities not yet operational, predicted.



Ten golden eagles taken at the Golden Hills Wind Facility in Alameda County, Calif., between April 2016 and May 2017.

ESI is a subsidiary of NextEra Energy Resources, LLC, and NextEra Energy, Inc., is a parent corporation. The company pleaded guilty to three violations of the Migratory Bird Treaty Act for taking migratory birds, specifically bald and golden eagles (16 U.S.C. §§ 703, 707(a)). Each count relates to the deaths of eagles at one of three wind power facilities, two in Wyoming and one in New Mexico, however, the company is responsible for the deaths of at least 150 eagles at 50 of its wind power facilities across the nation since 2012. The company never sought to obtain any Eagle Take Permits at any of its wind power facilities.

The U.S Fish and Wildlife Service conducted the investigation.



Environmental Crimes Section Attorneys: (Main # 202-305-0321)

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Senior Counsel for Wildlife	Elinor Colbourn	
Senior Counsel	Kris Dighe	
Senior Trial Attorney	Christopher Costantini	
Senior Trial Attorney	Daniel Doohar	
Senior Trial Attorney	Todd Gleason	
Senior Trial Attorney	Jeremy Korzenik	
Senior Trial Attorney	Ken Nelson	
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Trial Attorney	Mary Dee Carraway	
Trial Attorney	Ryan Connors	
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Trial Attorney	Patrick Duggan	
Trial Attorney	Ethan Eddy	
Trial Attorney	Matthew Evans	
Trial Attorney	Stephen Foster	
Trial Attorney	Christopher Hale	
Trial Attorney	Joel LaBissonniere	
Trial Attorney	Samuel (Charlie) Lord	
Trial Attorney	Shennie Patel	
Trial Attorney	Erica Pencak	
Trial Attorney	Richard Powers	
Trial Attorney	Banu Rangarajan	
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Trial Attorney	Lauren Steele	